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February 21, 2012

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Thomas Anderson, Esq.
Federal Election Commission
Office of the General Counsel
999 E Street NW
Washington, D.C. 20463

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FEDERAL ELECTION
COMMISSION
2012 FEB 29 AM 10:45
OFFICE OF GENERAL
COUNSEL

Re: MUR 6465, Mr. Shawn Schoeffler;
Factors for the Federal Election Commission to Consider

Dear Mr. Anderson:

This letter is a follow-up to our recent telephone conversations and Response to the Federal Election Commission's January 18, 2012 letter and attached Factual and Legal Analysis. We understand that this matter will remain confidential in accordance with 2 U.S.C. §§ 437(g)(a)(4)(B) and 437(g)(a)(12)(A).

In addition to Mr. Schoeffler's June 29, 2011 Response, which is attached for your convenience, Mr. Schoeffler, through undersigned counsel, respectfully requests the Commission to consider the following additional factors when making the various determinations contemplated by the Federal Election Campaign Act of 1971:

- Concerning the Fiesta Bowl Special Committee's (the "Special Committee") contention that Mr. Schoeffler was "non-cooperative" in its investigation, it is important to understand that, upon advice of undersigned counsel, Mr. Schoeffler brought to the Special Committee's attention Mr. Schoeffler's reasonable belief that there was an attorney-client relationship between him and Special Committee counsel. Accordingly, Mr. Schoeffler asserted his right to approve the manner and disclosure of all communications between him and Special Committee counsel. Despite two lengthy, exhaustive and completely accurate interviews by Mr. Schoeffler with Special Committee counsel, it nevertheless has contended he was "non-cooperative".
- Further, on the issue of meaningful cooperation with inquiries concerning this matter, nine months prior to any contact with the Special Committee, Mr. Schoeffler was contacted by the Arizona Secretary of State's office. The two individuals he met with can confirm he answered their questions thoroughly and honestly: Jim Drake, Assistant Secretary of State and Amy Bjelland, State Election Director.

- Also on the issue of meaningful cooperation, Mr. Schoeffler has been interviewed by the Arizona Attorney General's Office and the United States Attorney's Office, District of Arizona concerning this matter. Division Chief James Keppel, Assistant Attorney General Leesa Morrison, and Assistant United States Attorney Gary Rastaino will confirm that Mr. Schoeffler's cooperation has been stellar. Mr. Schoeffler's cooperation with the Arizona Attorney General's Office coincided with his interaction with the Special Committee. His cooperation with both the Arizona Attorney General's Office and United States Attorney's Office continued after the Special Committee completed its investigation.
- To amplify some points made in his June 29, 2011 Response concerning his role and responsibilities as a Fiesta Bowl employee and involvement in lobbying or politics, Mr. Schoeffler was not an officer of the Fiesta Bowl Corporation or in any way a member of its control group. Further, he had no input or participation whatsoever in the lobbying or political activities of the Fiesta Bowl on its leaders. Not only was he not active in politics, he did not even vote in the elections relevant to the conduct in question.
- Mr. Schoeffler was specifically instructed by John Junker to request a contribution from Gina Chappin. At this time, every indication from Mr. Junker was that this was "business as usual."

These factors and those discussed in the attached Response demonstrate that Mr. Schoeffler has done his best to make up for mistakes that were motivated by a good faith reliance on the management decisions of Fiesta Bowl leadership.

A Zapruder-like examination of Mr. Schoeffler's and other Fiesta Bowl employees' conduct, done in hindsight, yields a view of their behavior that, with its microscopic focus, misses a pivotal component. That component is the authority and influence wielded by Fiesta Bowl management concerning what Mr. Schoeffler and other employees perceived to be routine and permissible actions concerning political contributions. To ascribe a knowing and willing character to his actions in hindsight ignores the realities of this employer-employee dynamic.

Thank you for your professional courtesy and your efforts here. Please call me if I can provide further information or clarification.

Sincerely yours,



Barry Mitchell

BDM/cmc
Enclosure

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June 29, 2011

VIA FACSIMILE AND REGULAR MAIL

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Federal Election Commission
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Washington, D.C. 20463
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Re: MUR 6465; Response of Respondent Shawn Schoeffler

Dear Mr. Jordan:

The purpose of this letter is to respond on behalf of Shawn Schoeffler to the Complaint made to the Federal Election Commission (the "Commission") by Citizens for Responsibility and Ethics in Washington filed on April 5, 2011 (the "Complaint").

I hope to persuade you the Commission that the use of its resources here is not warranted. This is not to say that the allegations made in the Complaint are not serious, or that the Complainant's mission to protect the right of citizens to be informed about the activities of government officials and ensure the integrity of our electoral process is not a laudable one. The basis for our request that the matter be dismissed as to Mr. Schoeffler involves the nature and extent of his conduct and the fact that that same conduct is already the subject of inquiry before federal and state enforcement authorities in Arizona. Further, Mr. Schoeffler's actions subsequent to the alleged conduct in the Complaint demonstrate his good faith and respect for the electoral and enforcement processes.

Mr. Schoeffler worked for the Fiesta Bowl for sixteen years, holding a variety of positions, with his last role being Vice President of Media Relations. He was not part of the executive control group for the Fiesta Bowl; he did not participate in policy formulation, strategic planning, or managerial decisions concerning lobbying or political activity for the organization. His focus was on increasing the visibility of the Fiesta Bowl through his interaction with media professionals. He had no input or participation whatsoever in the lobbying or political activities of Fiesta Bowl management. He is not now, nor has he ever been, active in politics of any kind. To the extent he engaged in conduct that was noncompliant with the strictures of Title 11 of the Code of Federal Regulations, such conduct was unknowing and

Jeff S. Jordan, Esq.
Federal Election Commission
June 28, 2011
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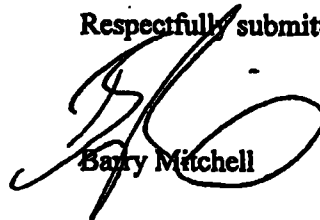
the product of a singular motivation: comply with the demands of then-Director of the Fiesta Bowl, John Junker, whom he trusted to make lawful and reasonable management decisions.

Mr. Schoeffler resigned from his position with the Fiesta Bowl in September 2009. He became aware of the issues addressed in the Complaint concerning the campaign contributions in October 2009, when a former Fiesta Bowl employee told him he had read up on the contributions and believed they were illegal. Since that time, and with no agenda other than trying to do the right thing, Mr. Schoeffler has made himself available to internal and outside inquiries concerning the conduct that is the subject of the Complaint. These inquiries include the initial internal investigation conducted by former Arizona Attorney General Grant Woods in December 2009, an investigation by the Arizona Secretary of State in February and March of 2010, an internal investigation conducted by the Special Committee of the Fiesta Bowl in November of 2010¹, and current ongoing investigations by state and federal authorities.

As an important aside, I would ask that the Commission take at face value that the investigations into the subject conduct, the Fiesta Bowl Final Report, the Complaint, and the relentless attendant media coverage have taken a severe toll on Mr. Schoeffler personally and professionally. Not one to blame others, Mr. Schoeffler accepts complete responsibility for his mistakes. It is incumbent upon his counsel to bring to the Commission's attention that the impetus for the contributions was Mr. Schoeffler's good faith reliance on John Junker's leadership and direction. Additionally, Mr. Schoeffler continues to contend with the pending state and federal matters arising from the contributions.

If I can provide any amplification or clarification to this response, please do not hesitate to contact me. Thank you for your efforts here.

Respectfully submitted,



Barry Mitchell

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¹ I have informed Special Committee counsel that information obtained from Mr. Schoeffler's open and complete participation in the Special Committee's investigation is privileged because of affirmative actions and omissions on the part of counsel that led Mr. Schoeffler to form a reasonable belief there was an attorney-client relationship between him and Special Committee counsel. Counsel did not agree with my assertion of the attorney-client privilege on behalf of Mr. Schoeffler and disclosed the information provided by Mr. Schoeffler in the Fiesta Bowl's March 29, 2011 "Final Report" without consent, over my objection.